

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION**

In re: Phi Nguyen

Case No. 2:19-bk-32249-SHB

Debtor

Chapter 7

RESPONSE TO ORDER TO SHOW CAUSE

COMES NOW The Pope Firm, PC (“Counsel”), attorneys for debtor in the above-styled case, and files this response to that Order to Show Cause for Reasonableness of Attorney’s Fees issued by this Court on July 26, 2019, and further states as follows:

Background

1. Prior to filing the Chapter 7 Petition herein, Phi Nguyen (“Debtor”) retained Counsel to review the facts and circumstances surrounding his then-current financial circumstances and file for bankruptcy relief if it was in the Debtor’s best interest.

2. Debtor, through Counsel, filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on July 17, 2019.

3. Debtor speaks English as a second language and experienced significant difficulty gathering documents and completing tasks necessary for accurately completing the Petition. Debtor required multiple appointments with Counsel for assistance with gathering documentation and completing the Petition.

Analysis of Attorney’s Fees

4. With respect to the reasonableness of attorney’s fees, Counsel submits the following analysis:

(a) *Time and Labor Expended.* Attached and incorporated herein as Exhibit A is a detailed breakdown of services rendered to the Estate reflecting time charges at the hourly rate of the respective attorney(s) and professional staff of Counsel (the “Statement”). The Statement reflects the date, the description of services on behalf of the Estate and the identity of the professional staff member performing such services. The rates charged by Counsel are the rates customarily charged on routine, noncomplicated matters, without considering the size of the case and the degree of responsibility, difficulty, complexity and results achieved. The Statement reflects total time charges of One Thousand Five Hundred and 00/100 Dollars (\$1,500.00) for services related to representation. Counsel has

conscientiously reviewed the Statement for duplicative or unnecessary entries and has previously removed or adjusted any such entries.

(b) *Skill Required to Properly Perform Legal Services Rendered.* In Counsel's judgment, the representation of the Debtor has been reflective of the skill of Counsel and its staff. Assisting debtors who do not speak or read English as their primary language can be difficult, and Counsel spent extensive time assisting Debtor with gathering documents necessary for completing the Petition.

(c) *Counsel's Opportunity Costs.* Counsel is a small practice and represents both consumer and commercial debtors in bankruptcy. Due to the time expended in the representation of Debtor, Counsel was unable to represent as many clients as it would otherwise have been able to.

(d) *Customary Fees for Like Work.* Counsel's rates are, on information and belief, consistent with or less than rates charged in similar matters by other bankruptcy counsel with Counsel's background, experience and stature.

(e) *Experience, Reputation, and Ability of Counsel.* Counsel submits that it is well respected by the bench and bar of this Court, and the courts of neighboring jurisdictions. Counsel further submits that as a result of its experience in bankruptcy matters, Counsel performed legal services required in representing Debtor with a high degree of confidence and with an economy of time as compared to the amount of time which would have been required by lesser experienced counsel.

(f) *Fee Awards in Similar Cases.* Counsel believes that the attorney's fees received in this case are reasonable and are not inconsistent with fees awarded in similar cases.

5. No agreement exists between Counsel and any other person for the sharing of compensation received for services rendered in connection with this case. Counsel submits that the fees received in this case are appropriate under the circumstances of this case.

WHEREFORE, premises considered, Counsel prays that the attorney's fees received in this case be approved by the Court.

Respectfully submitted,

THE POPE FIRM, PC

/s/ Charles Parks Pope
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing **RESPONSE TO ORDER TO SHOW CAUSE** has been served upon the US Trustee and Chapter 7 Trustee, John P. Newton, electronically by ECF notification, on this August 6th, 2019.

/s/ Charles Parks Pope
Charles Parks Pope, certifying Attorney

EXHIBIT A

Re: Chapter 7 Case Filing	0.25 Minimums		Time Spent		Total
			Paralegal	Attorney	
4/29/2019	Initial Consultation- Per Attorney, Chapter 7 assignment		0.5	0.5	162.5
5/15/2019	Client Retainer appointment- Pulled credit report and went through full document checklist		0.5		37.5
5/28/2019	Client No-Showed Case Prep Appt, spoke with client about rescheduling to new date		0.25		18.75
5/30/2019	Client rescheduled Case Prep Appt, second reschedule		0.25		18.75
6/3/2019	Case Prep Appointment- assisted client with pulling documents: Vehicle Loan Statements		1		75
6/10/2019	Second Case Prep Appt- all items accounted for except Credit Counseling		1		75
6/19/2019	Client rescheduled Credit Counseling assist appt to 6/24/19		0.25		18.75
6/24/2019	Walked client through Credit Counseling course- Part 1		1		75.00
6/24/2019	Prepared Client's 3rd Case Prep appointment and assisted collecting documents: Paystubs and Insurances		1		75.00
6/25/2019	Created 6-month Spreadsheet for client's Form 122C Means		0.5		37.50
7/8/2019	Client Rescheduled Finish Appt		0.25		18.75
7/10/2019	Meeting with Attorney regarding Reaffirmations for 2 vehicles and income			1	250.00
7/15/2019	Meeting with Attorney to discuss Income and prep for Finish		0.5	1	287.50

7/16/2019	Finish Appointment: Collected all income/tax info and spoke with Attorney to review case prior to filing	1	0.5	200.00
7/25/2019	Prepared Reaffirmation Agreements-scanned and mailed to necessary parties	1		75.00
7/29/2019	Walked client through Credit Counseling course- Part 2	1		75.00
	Paralegals \$75.00 per hour		TOTAL	1,500.00
	Attorneys \$250.00 per hour			